

Notice of Allowability

Application No.

10/613,348

Examiner

JAVIER G. BLANCO

Applicant(s)

SEDERHOLM ET AL.

Art Unit

3774

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment/Response filed on May 12, 2008.
2. ☒ The allowed claim(s) is/are 1,2,4-9,11-18 and 21-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/14/2008.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Javier G. Blanco/
Examiner, Art Unit 3774

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1, 9, 11, and 16 in the reply filed on May 12, 2008 is acknowledged.
2. Applicant's addition of claims 23 and 24 in the reply filed on May 12, 2008 is acknowledged.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone (e-mail) interview with Attorney Matt Skaggs on Thursday August 14, 2008.

The application has been amended as follows:

Claim 1 (Currently Amended): A modular hip prosthesis, comprising:
an elongated stem extending from a proximal region to a distal region;
a proximal body having a bore with a threaded section and being removably connectable to the stem;
a neck connectable to the proximal region of the stem;

a separate, discrete, [an] expansible collet lockingly positioned [positionable] between the stem and proximal body, such that the expansible collet is seated radially within the proximal body; and

a locking member having external threads that threadably engage the threaded section of the proximal body to lock the proximal body and collet together and to the stem, wherein the locking member is seated axially adjacent the expansible collet,

wherein the neck is movable with respect to the proximal body, until being locked into position by the locking member.

Claim 9 (Currently Amended): A modular hip prosthesis, comprising:

a femoral stem extending from a proximal region to a distal region;

a neck being rotationally adjustable about the stem;

a proximal body being both rotationally and axially adjustable about the stem, the proximal body being positioned around the stem;

a separate, discrete, expansible collet [a flexible sleeve] lockingly engaged between the stem and the proximal body, such that the expansible collet [flexible sleeve] is seated radially within the proximal body; and

a locking member that engages the proximal body and locks the proximal body to the stem,

wherein the neck is movable with respect to the proximal body, until being locked into the position by the locking member; and

further wherein the proximal body includes a threaded section located along an internal longitudinal bore, and the locking member threadably engages the threaded section of the proximal body.

Claim 16 (Currently Amended): A modular hip prosthesis, comprising:

a stem extending from a proximal end to a distal end;

a neck being rotationally adjustable about the stem and removeably connected to the proximal end of the stem, said neck including a bore that receives the proximal end of the stem;

a proximal body being both rotationally and axially adjustable about the stem, the proximal body being positioned around the stem;

a [sleeve] separate, discrete, expansible collet lockingly positioned radially between the stem and the proximal body, wherein the sleeve is radially flexible and includes a plurality of longitudinal slots; and

a locking member that engages the proximal body to lock the proximal body and sleeve to the stem,

wherein the neck is movable with respect to the proximal body, until being locked into position by the locking member; and

further wherein the proximal body includes a threaded section located along an internal longitudinal bore, and the locking member threadably engages the threaded section of the proximal body.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:00 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on **(571)272-4749**. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Javier G. Blanco/

Examiner, Art Unit 3774

/Dave Willse/

Primary Examiner, Art Unit 3738